

REMARKS

In view of the above amendments, and the following remarks, Applicant requests favorable reconsideration of the above-identified application.

Claims 1 and 2 are now pending in this application, with Claim 1 being the sole independent claim. By this Amendment, Applicant has amended independent Claim 1, and canceled Claim 6.

Claims 1, 2 and 6 stand rejected under 35 U.S.C. § 103 as being unpatentable over European Patent Application No. 0 898 182 (Nakai). Applicant traverses this rejection.

As now recited in independent Claim 1, Applicant's invention is directed to an optical system which projects an image using a light generated from three monochromatic sources corresponding to three primary colors. The optical system has a diffractive optical element which includes a first layer, a second layer and a third layer, each of which has a relief-type grating. The diffractive optical element is set such that, at three wavelengths, the design diffraction efficiency for diffractive light of a predetermined order is 100%, with the three wavelengths being substantially coincident with wavelengths of light generated by each of the three monochromatic light sources. Further, the respective wavelengths of the light generated by the three monochromatic light sources are 450 ± 20 nm, 550 ± 20 nm and 650 ± 20 nm.

The Office Action cites Nakai as describing all of the features of the present invention, including the specific wavelengths at which the diffractive optical element is set. However, as is discussed in Nakai, at paragraph 41, for example, the diffraction efficiency

of the diffractive element becomes maximum at wavelengths different from those recited in independent Claim 1. In addition, as shown in Figure 4 of Nakai, in the wavelength region of 550 ± 20 nm, the diffraction efficiency is clearly below 100%, unlike the present invention.

Therefore, Nakai fails to describe or suggest that, at three wavelengths, the design diffraction efficiency for the light of a predetermined order is 100%, with the wavelengths of light being substantially coincident with light generated by three monochromatic light sources at 450 ± 20 nm, 550 ± 20 nm and 650 ± 20 nm, as generally recited in Claim 1. Because Nakai simply fails to suggest these features, the rejection is improper and should be withdrawn.

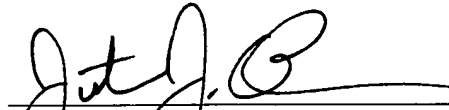
The Office Action makes the unsupported assertion that it is generally well known to use monochromatic light sources having three primary colors, and therefore one would simply arrive at the specific features recited in Claim 1. However, no citation to a reference has been provided to show the specific features of the present invention, which are clearly absent in Nakai. Absent such support, Applicant submits that the outstanding rejection is without merit.

Claim 2 depends from independent Claim 1. Applicant submits that Claim 2 is patentable over Nakai for the reasons noted above with respect to independent Claim 1, and for reciting features of the invention still further distinguishing over that document. Applicant requests favorable and independent consideration of Claim 2.

Accordingly, Applicant requests withdrawal of the rejection under 35 U.S.C. § 103, and early passage to issue of this application.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


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